

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARK TASSINARI, RICHARD ESPINOSA,
and JOSEPH ALMEIDA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

THE SALVATION ARMY, A NEW YORK
CORPORATION,

Defendant.

Civil Action No. 1:21-cv-10806

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Mark Tassinari, Richard Espinosa, and Joseph Almeida (“Plaintiffs”), hereby move this Court for a preliminary injunction ordering Defendant The Salvation Army, A New York Corporation (“Defendant”), and all its officers, agents, servants, employees, attorneys, and any other person in active concert or participation with any of them, to:

1. Refrain from implementing or enforcing any categorical prohibition on access to any form of prescribed medication for opioid use disorder (MOUD), including methadone or buprenorphine, for individuals with opioid use disorder who participate in, apply to, or inquire about access to housing or services at any of Defendant’s Adult Rehabilitation Centers (ARCs);
2. Refrain from denying access to any ARC to any individual based on the individual’s use or desire to use any form of medication for opioid used disorder (MOUD), including methadone or buprenorphine, in accordance with a prescription for medication to treat opioid use disorder;

3. Refrain from denying any current ARC participant access to any form of medication for opioid use disorder (MOUD), including methadone or buprenorphine, in accordance with a prescription for medication to treat opioid use disorder;
4. Refrain from involuntarily discharging any current ARC participant from an ARC based on the use or desire to use any form of medication for opioid use disorder (MOUD), including methadone or buprenorphine, in accordance with a prescription for medication to treat opioid use disorder;
5. Remove the “DO NOT ADMIT” Confidential Warnings from the BITS files of plaintiffs Mark Tassinari, Richard Espinosa, and Joseph Almeida, and refrain from denying access to any ARC or otherwise taking any adverse action against Mark Tassinari, Richard Espinosa, Joseph Almeida, or any other individual with opioid use disorder in retaliation for this lawsuit; and
6. Refrain from otherwise violating Section 504 of the Rehabilitation Act or the Fair Housing Act in the operation and administration of Defendant’s ARCs.

This motion is based on the accompanying Combined Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for a Preliminary Injunction and Plaintiffs’ Motion for Provisional Class Certification, the accompanying Declarations of Dr. Claudia Rodriguez, Mark Tassinari, Richard Espinosa, Joseph Almeida, Shawn Arcidiacono, Christine M. Salazar, and Maria Wenzell and exhibits thereto, the complete files and records of this action, and such other matters as the Court may properly consider in ruling on the motion.

REQUEST FOR ORAL ARGUMENT

Plaintiffs request oral argument on this motion. Oral argument is likely to be helpful to the Court because the motion addresses a substantial record and multiple legal issues.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for Plaintiffs, Matthew J. Murray, hereby certifies that counsel have conferred and have attempted in good faith to resolve or narrow the issues subject to this motion.

Respectfully submitted,

Dated: May 5, 2023

By: /s/ Matthew J. Murray

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**Pro Hac Vice*

***Pro Hac Vice application pending*

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